UNITED
NATIONS

E

Economic and Social
Council

Distr
GENERAL

E/C.12/2000/SR.7/Add.1
16 May 2000

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-second session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 7th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 29 April 2000, at 11 a.m.

Chairperson: Mrs. BONOAN-DANDAN

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* The summary record of the first part (closed) of the meeting appears as document E/C.12/2000/SR.7.

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GE.00-41696 (E)

The public part of the meeting was called to order at 11 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Third periodic report of Italy (E/1994/104/Add.19; country profile (E/C.12/CA/ITA/1); list of issues (E/C.12/Q/ITA/1); written replies to the list of issues supplied by the Government of Italy (document in English only without a reference number) (continued)

1. At the invitation of the Chairperson, the members of the delegation of Italy resumed their places at the Committee table.

Article 6 of the Covenant

2. Mr. CITARELLA (Italy) said that in 1997 and 1998 the trend in Italy had been for levels of unemployment to fall, principally because many women had found jobs. But that trend had not affected the distribution of employment between the north and the south of the country: it had always been easier for enterprises in the north to take on foreigners rather than Italian nationals. Surprising as that might seem, it was a phenomenon of society: people in the south would rather contend with job insecurity than settle in the north, where the cost of living was higher, particularly for housing. Italy was thus intending to adopt laws aimed at promoting job creation in the south, which would confer tax and other advantages on enterprises investing in the region. The problem of unemployment was also linked to the type of teaching provided by the universities, which had remained highly traditional and did not seem to be moving towards teaching new technologies such as the Internet. The gradual process of privatization appeared to have had no adverse effect on levels of unemployment. As for social security benefits, the amount varied depending whether the beneficiary had never worked, had lost his or her job, or taken early retirement (in the context of incentives to promote recruitment of young workers).

3. Mr. ANTANOVICH welcomed the continuing fall in the rate of unemployment, to 2 per cent in 1998 and 1999. However, noting with surprise that one in three young people was unemployed, he asked for more detailed information concerning the situation of the young. He asked how long young people were entitled to unemployment benefit, and whether retraining courses were organized to help them enter the labour market. Like Mr. Citarella, he thought that technical training should be developed, for, if it wished to advance, an already ageing society could not afford to marginalize its youth.

4. Mr. TEXIER said that, although all the unemployment indicators were falling, Italy should provide statistics disaggregated by categories of persons affected: young people under 25 years of age, the long-term unemployed, persons nearing retirement, and women. He also asked whether any specific measures were taken for each of those groups.

5. Mr. WIMER ZAMBRANO wondered what were the true reasons behind enterprises' preference for foreigners rather than nationals. Was the phenomenon due to the reluctance of

southerners to settle in the north, or to the fact that Italian workers enjoyed better legal protection than foreigners because of the power of the trade unions? He would like to know whether Italy took those factors into account when drawing up its employment policy.

6. Mr. HUNT welcomed Italy's adoption of the law prohibiting discrimination against disabled persons in areas such as employment and education. He asked whether an independent authority had been created to monitor compliance with that law, and whether any statistics were available on the matter, for example, concerning the number of prosecutions for failure to apply the law. For information, he drew attention to the Committee's General Comment 5 (1994) on persons with disabilities, prepared with a view to assisting States parties in drafting legislation on the question.

7. Mrs. JIMÉNEZ BUTRAGUEÑO raised the question of early retirement, which, while enabling jobs to be created for young people, was also a means of cutting costs by recruiting young people at a lower wage. Age must never be a criterion for discrimination. She therefore wished to know whether, as sometimes happened in other countries, persons in Italy approaching the statutory retirement age - and particularly civil servants - were required to take early retirement.

8. Mr. AHMED said that according to the statistics 25,000 women whose situation had not been regularized engaged in prostitution. The Immigration Act of February 1998 was intended to put an end to that situation by granting one-year work permits to all prostitutes who would disclose the name of the procurer for whom they worked. He suggested that that ingenious solution should be applied to asylum-seekers, who were granted only a 45-day residence permit, pending a decision by the authorities. That would enable them to make ends meet, rather than leaving them dependent on the scanty benefits they received in their capacity as asylum-seekers; and the financial burden on Italy would also be considerably alleviated as a result.

9. Mr. CITARELLA (Italy) explained that the official unemployment statistics were not always a faithful reflection of the true situation: they often included young people between the ages of 15 and 18 who were not genuine job seekers, as well as employed persons not declared by their employer, or declared as part-time workers. The Ministry of Labour had created an inspectorate to combat those fraudulent practices. On the question of the preference accorded to foreigners at the expense of nationals, he said that in the Italian context foreigners could not be regarded as replacing nationals: the importance of the family in Italian society made it hard to imagine young people leaving their homes in order to work in the north.

10. With regard to the disabled, Italy had not been content simply to adopt a law prohibiting discrimination against disabled persons, but had also promulgated a law requiring enterprises employing more than a specified number of employees to take on a quota of disabled persons. No supervisory body had been established. The Ministry of Labour was responsible for monitoring application of the Act. Italy was also on the point of ratifying the International Labour Organization (ILO) Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

11. On prostitution, he stressed that the purpose of the law was to regularize the status of immigrants from the countries of the East, and took note of the suggestion that its scope might be extended to asylum-seekers.

12. In 1997 the Italian Parliament had passed a law granting a special allowance of Lit 800,000 to young people wishing to engage in community work in the regions most affected by unemployment. To promote the recruitment of young people in the civil service, the Government paid an allowance to civil servants who took early retirement. In addition, more flexible employment contracts, intended as an intermediate stage before obtaining a permanent contract, had been introduced (fixed-term contracts, part-time employment, in-house training, internships and temporary work).

13. Mr. SADI asked whether Italians from the south might perhaps be reluctant to work in the north for fear of being subjected to discrimination.

14. Mr. CITARELLA (Italy) replied that there was no discrimination between the north and the south at the occupational level. Fifty per cent of workers in industry came from the south. Some enterprises had to turn to foreign manpower because Italians, whether from the north or the south, did not take up their job offers.

Articles 7, 8 and 9 of the Covenant

15. Mr. CITARELLA (Italy) said that the principle of equal remuneration for work of equal value was broadly accepted and that any victim of discrimination could obtain reparation through the labour courts.

16. It was true that the total number of work accidents was very high, but most occurred in small family businesses or when work was being carried out with the assistance of relatives. In the large industrial enterprises the number was proportionally very low. The Ministry of Labour, through its provincial labour directorates, was responsible for inspecting safety conditions in the workplace and for investigating occupational accidents.

17. Mr. TEXIER asked whether positive discrimination measures had been taken to secure not only equal wages for men and women, but also equality of career opportunities. He also wished to know whether the minimum wage was fixed by collective bargaining and whether it was the same throughout Italy. On the question of working hours, he wished to know what concrete steps were being taken to reduce the working week to 35 hours in 2001, as provided for in the draft law tabled in 1998, and what effect the reduction was expected to have, particularly on work accidents and levels of unemployment. He also asked whether the delegation considered that the labour inspectorate was well organized and had sufficient inspectors and other resources. On the right to strike, was there a notion of compulsory minimum service, and if so, how was it regulated?

18. Mr. CEAUSU, referring to paragraph 73 of the report of Italy (E/1994/104/Add.19), asked whether a court of appeal could overturn a decision of the Constitutional Court. Referring to paragraph 94 of the report, he wondered whether one could say that the trade unions were

merely de facto bodies, in view of the absence of any law organizing them, as they had been formed in implementation of a right set forth in the Constitution and were disciplined by common law.

19. Mr. AHMED asked whether the transition to a 35-hour week would be obligatory or subject to negotiation, and wondered what the consequences would be for the labour market, particularly with regard to an influx of foreign labour. He also asked for additional information on the working conditions of domestic employees.

20. Mrs. JIMÉNEZ BUTRAGUEÑO asked whether any tax or other provisions existed to encourage enterprises taking on temporary workers to offer them permanent contracts.

21. Mr. SADI asked whether the high unemployment rate made it more difficult to regulate working hours and the minimum wage.

22. Mr. CITARELLA (Italy) said that in addition to national legislation, collective agreements played a particularly important role in determining working conditions on a sector-by-sector basis. Some collective agreements already set the working week at 35, 34 or 32 hours. If the draft law tabled in parliament was adopted, the working week would be limited to 35 hours in the other sectors. Enterprises were opposed to it because they feared an increase in their production costs. Nevertheless, a generalized 35-hour week might help reduce unemployment, particularly among the young.

23. With regard to limitations on the right to strike, he said that a specified time must elapse between two strikes in the same sector. By decree, the Government could declare unlawful a strike not complying with that condition or detrimental to public service or the national interest. In response to the growing number of strikes, partially attributable to the large number of trade unions, the previous Government had tabled a draft law regulating strikes in the public sector.

24. There were indeed disparities between employment in the north and south of Italy, but the legislation in force was identical throughout the country, particularly with regard to equality of women and men in the workplace. Differing remuneration was acceptable only if the work done was not identical, and in the event of a dispute the matter was settled by the labour courts. A 1991 law provided for measures allowing women access to jobs traditionally done by men. Similarly, women had recently become entitled to occupy all posts in the armed forces for which they were qualified. Women wishing to set up a small or medium-sized enterprise were also entitled to financial assistance. The provisions penalizing domestic employees were now obsolete. Like other workers, domestic employees were entitled to social security and a minimum wage, which was fixed for each sector. As for temporary work, a recent law provided that enterprises must endeavour to offer temporary workers permanent contracts after a certain time, particularly in the case of young people.

25. Mr. SADI noted that a reduction in working hours might have adverse overall economic effects, thereby jeopardizing a country's ability to comply with the Covenant. Was there any such risk in Italy?

26. Mr. CITARELLA (Italy) said that a reduction in working hours could only come about following an agreement between the trade unions and the enterprises. The latter were opposed to such a measure, adoption of which was in any case far from a fait accompli, as it could result only from a political decision. In fact, the working week had already been reduced to 35 hours in some sectors, and had had few adverse effects on economic development, while proving beneficial in other respects.

Articles 10 and 11 of the Covenant

27. The CHAIRPERSON invited the delegation of Italy to reply to questions concerning articles 10 and 11 of the Covenant.

28. Mr. CITARELLA (Italy) said that violence against women, particularly in the family, had social and legal aspects in principle, but that when the victim did not complain the facts usually remained unknown outside the family circle. There was a domestic law intended to protect women against violence in the workplace, particularly violence of a sexual nature. The interest sparked by the issue of violence against women in Italy had led to an exponential increase in the number of complaints. The courts had found about 25 per cent of those complaints to be groundless, but it was undeniable that acts of violence against women were on the increase. Although it was very difficult to take preventive action in that sphere, it was worth mentioning that the Court of Cassation had broadened the scope of the notion of violence against women, so that offenders now incurred severe penalties.

29. On the subject of ill-treatment of children, it had been decided to formulate draft legislation to secure application of the Convention on the Rights of the Child. As for measures taken for the social protection of the family, Italian law provided for equal rights and obligations of both parents vis-à-vis the children. For instance, it contained provisions relating to parental leave and assistance to families in the event of the birth of twins or premature births.

30. Mr. PILLAY said that in its concluding observations adopted in 1992 the Committee had noted a deterioration in the situation of tenants, an increase in the number of unoccupied apartments, a shortage of low-income housing and the precarious nature of leases. He asked how the situation had developed. Did the State grant housing benefits, particularly to the disadvantaged? Were any statistics available on expulsions? Had Parliament adopted the 1996 draft law aimed at improving the situation of tenants and encouraging ownership?

31. Mr. GRISSA inquired about trends in the number of crimes against children, including abductions and murders committed by paedophiles.

32. Mr. RIEDEL asked when the order concerning the homeless mentioned in the report of Italy had been adopted. What results had been achieved as a result of the Lit 30 billion credit allocated for the year 2000? What was being done to promote sustainable reintegration of the homeless?

33. Mr. HUNT said that dealing with family violence called for high-quality data, measures to raise awareness among the public and the police, a strengthening of the legal system and the

establishment of shelters for victims of violence. Was there any comprehensive strategy to combat family violence and, if so, what were its main features? If no such strategy existed, did the Government intend to adopt one?

34. Mr. SADI asked whether an in-depth study had been made of the social and economic causes of family violence.

35. Mr. ANTANOVICH noted that the statistics on persons with housing difficulties differed widely, and, in particular, that the figure of 2.5 million put forward by journalists should be treated with caution. Nevertheless, there were real housing problems and one of the means of resolving them was surely to make low-income housing available. Was anything being done in that regard? Some homeless people's problems were not confined to housing, and included alcoholism, drug addiction and marginalization, so that they were in need of more general assistance. As for the Lit 30 billion credit, for whom was it intended and what form of aid would it finance?

36. Mrs. JIMÉNEZ BUTRAGUEÑO asked whether problems of family reunification arose concerning asylum-seekers. She also wished to know whether Italy had ratified the Convention on the Reduction of Statelessness.

37. Mr. CEAUSU asked what measures Italy was taking to combat trafficking in children exploited sexually or employed as beggars and pickpockets, often as part of international networks.

38. The CHAIRPERSON said that the delegation of Italy would answer questions on articles 10 and 11 of the Covenant at the next meeting.

MISCELLANEOUS MATTERS (agenda item 9)

39. The CHAIRPERSON said that the members of the bureau of the Committee had sent a declaration to the chair of the group responsible for drafting a European Union charter of fundamental rights. The declaration welcomed the drafting of the charter and the intention of the members of the drafting group to include economic, social and cultural rights therein, having regard to the fact that human rights - both civil and political on the one hand, and economic, social and cultural on the other - were universal, indivisible, interdependent and intimately linked.

The meeting rose at 1 p.m.